



Atty. Docket No.: 203284/1230

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Habener et al.

Examiner: Wehbe, Anne
Marie Sabrina

Serial No.: 09/731,261

Filed: December 6, 2000

Group Art Unit: 1633

Entitled: Stem Cells of the Islets of Langerhans
and Their Use in Treating Diabetes
Mellitus

Conf. No.: 9060

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8a

I hereby certify that this correspondence (and any paper or fee referred to as being enclosed) is being deposited with the United States Post Office as First Class Mail on the date indicated below in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A CO-PENDING SECOND APPLICATION**

Dear Sir:

The owner, The General Hospital Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on co-pending second Application Number 09/963,875, filed on September 26, 2001. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on the

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second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The Commissioner is hereby authorized to charge any fees related to the filing of this Terminal Disclaimer under 37 C.F.R. 120(d) to our Deposit Account No. 16-0085, Reference No. 203284/1230. A duplicate of this letter is enclosed for that purpose. The undersigned is an attorney or agent of record.

Date: March 1, 2006

Respectfully submitted,

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